

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2008-01

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT
FOR AN AGRIBUSINESS ON PROPERTY LOCATED
AT 17936 JERICHO ROAD
IN SQUAW GROVE TOWNSHIP**

WHEREAS, Underdog Trucking, Inc. has filed an application for a Special Use Permit in accordance with Section 9.02 of the DeKalb County Zoning Ordinance to allow the continued operation of a trucking business as an agribusiness on property located at 17936 Jericho Road in Squaw Grove Township, said property being zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on November 29, 2007, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and two members of the public spoke in favor of the request and one in opposition thereto; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Special Use Permit be granted, as set forth in the Findings of Fact and recommendation of the DeKalb County Hearing Officer, dated December 26, 2007, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Hearing Officer, but has forwarded a recommendation to the DeKalb County Board that the requested Special Use Permit be approved; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendation of the Hearing Officer and the recommendation of the Planning and Zoning Committee, and has determined that granting the Special Use Permit to allow the operation of an agribusiness on the subject property would be consistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the DeKalb County Hearing Officer, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of Donovan Flink for a Special Use Permit to allow a home occupation in the form of a lawn mover and snow blower repair and maintenance business on property located at 26738 Brickville Road in Sycamore Township, said property being legally described in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This approval of a Special Use Permit is subject to the following conditions:

1. There shall be no outside storage of machines or equipment associated with the home occupation;
2. Hours of operation of the home occupation shall be between 9:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. to 1:00 p.m. on Saturdays; and
3. This Special Use Permit shall be in force and effect only so long as the subject property is owned by the Flink family.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

SECTION FIVE: Failure of the owners or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 11.05.A. and B. of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 20TH DAY OF FEBRUARY, 2008, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

A part of the East Half of the Northeast Quarter of Section 19, Township 41 North, Range 5 East of the Third Principal Meridian, also being part of Lots 3 and 36 of the Assessor's Plat of Section 19 (said Assessor's Plats are shown in a book of Assessor's Plats at the DeKalb County Recorder's Office, bounded and described as follows:

Commencing at a found P.K. Nail at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 19; thence South 0 degrees 10 minutes 23 seconds East along the West Line of the East Half of the Northeast Quarter of said Section 19, a distance of 1058.30 feet to the Point of Beginning of the hereinafter described tract of land; thence South 89 degrees 45 minutes 08 seconds East along a possession line and occupied South Line of Lot "F" of Lindhol Farm Plat of Sections 18, 19 and 20, according to Deed Document No. 81-01659, a distance of 396.17 feet; thence continuing South 75 degrees 01 minutes 11 seconds East along said occupied South Line of Lot "F", a distance of 126.30 feet; thence South 0 degrees 10 minutes 23 seconds East parallel with the West Line of the East Half of the Northeast Quarter of said Section 19 and the West Line of said Assessor's Lots 3 and 36, a distance of 390.16 feet; thence South 89 degrees 49 minutes 37 seconds West, a distance of 518.07 feet to the West Line of the East Half of said Northeast Quarter; thence North 0 degrees 10 minutes 23 seconds West along the West Line, a distance of 426.09 feet to the Point of Beginning, containing 5.000 acres, more or less, subject to that land being used for public road purposes and also subject to all easements, agreements, county codes and/or ordinances of record, if any, all situated in the Township of Sycamore, the County of DeKalb and the State of Illinois.

P.I.N.: 06-19-200-011

ORDINANCE NO. 2008 - 03

AN ORDINANCE authorizing the public approval of the issuance of certain Collateralized Single Family Mortgage Revenue Bonds and certain documents in connection therewith; and related matters.

WHEREAS, The County of Dekalb, Illinois, is a political subdivision duly organized and validly existing under the Constitution and the laws of the State of Illinois (the “County”); and

WHEREAS, pursuant to the Constitution and the laws of the State of Illinois, and particularly *50 Illinois Compiled Statutes 2006, 465/1 et seq.*, as supplemented and amended (the “Act”), the County is authorized to issue its revenue bonds in order to aid in providing an adequate supply of safe, decent and sanitary residential housing for low and moderate income persons and families within the County, which such persons and families can afford, which constitutes a valid public purpose for the issuance of revenue bonds by the County; and

WHEREAS, the County has now determined that it is necessary, desirable and in the public interest to issue revenue bonds to provide an adequate supply of safe, decent and sanitary residential housing for low and moderate income persons and families within the County, which such persons and families can afford; and

WHEREAS, pursuant to Section 10 of Article VII of the 1970 Constitution of the State of Illinois and the Intergovernmental Cooperation Act (*5 Illinois Compiled Statutes 2006, 220/1 et seq.*, as supplemented and amended), public agencies may exercise and enjoy with any other public agency in the State of Illinois any power, privilege or authority which may be exercised by such public agency individually, and pursuant to the Act, one or more public agencies (whether or not any of them are home rule units) may join together or cooperate with one another in the exercise, either jointly or otherwise, of any one or more of the powers conferred by the Act or other enabling acts or powers pursuant to a written agreement, and, accordingly, the County has previously entered into an Intergovernmental Cooperation Agreement (the “*Cooperation Agreement*”) dated as of April 1, 2005, by and among the County and certain other units of local

government named therein (the “Units”), as from time to time supplemented and amended, to provide for the joint issuance of such revenue bonds to aid in providing an adequate supply of residential housing in such Units (the “Program”); and

WHEREAS, to provide for the Program, the City of Aurora, Kane, DuPage, Will and Kendall Counties, Illinois (the “Issuer”), proposes to issue, sell and deliver its Collateralized Single Family Mortgage Revenue Bonds in an aggregate principal amount not to exceed \$600,000,000 (the “Bonds”) in one or more series to obtain funds to finance the acquisition of mortgage-backed securities (the “GNMA Securities”) of the Government National Mortgage Association (“GNMA”), evidencing a guarantee by GNMA of timely payment, the acquisition of mortgage-backed securities (the “FNMA Securities”) of the Federal National Mortgage Association (“FNMA”), evidencing a guarantee by FNMA of timely payment, and the acquisition of mortgage-backed securities (the “FHLMC Securities”) of the Federal Home Loan Mortgage Corporation (“FHLMC”), evidencing a guarantee by FHLMC of timely payment, of monthly principal of and interest on certain qualified mortgage loans under the Program (the “Mortgage Loans”), on behalf of the County and the other Units all under and in accordance with the Constitution and the laws of the State of Illinois; and

WHEREAS, a notice of combined public hearing with respect to the plan of finance of the costs of the Program through the issuance of the Bonds has been published in *The Daily Chronicle*, a newspaper of general circulation in the County, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), on October 22, 2007, and appropriately designated hearing officers of the City of Aurora, Kane, DuPage, Will and Kendall Counties, Illinois, the City of Belleville, St. Clair County, Illinois, the City of Champaign, Champaign County, Illinois, and the City of East Moline, Rock Island County, Illinois, have conducted said combined public hearing on November 13, 2007;

Legal Description of Subject Property

That part of the East ½ of the Southeast ¼ of section 13, and part of the East ½ of the Northeast ¼ of section 24, Township 38 North, Range 5, East of the third principal meridian, described as follows: commencing at the intersection of the East line of said section 13 with the center line of Jericho Road; thence South 83 degrees 54 minutes 58 seconds West along the center line of Jericho Road, 437.12 feet for the point of Beginning; thence South 1 degree 10 minutes 18 seconds West 540.58 feet; thence North 88 degrees 49 minutes 42 seconds West 901.50 feet to the West line of the East ½ of the Northeast ¼ of said section 24; thence North 1 degree 10 minutes 18 seconds East along said West line 425.81 feet to the center line of Jericho Road; thence North 83 degrees 54 minutes 58 seconds East along said Center Line, 908.78 feet to the point of beginning; in the township of Squaw Grove, DeKalb County, Illinois.

P.I.N.s: 15-24-200-008 and 15-24-200-009.

Section 4. That all acts of the officers, officials, agents and employees of the County heretofore or hereafter taken, which are in conformity with the purposes and intent of this authorizing ordinance and in furtherance of the issuance and sale of the Bonds, be, and the same hereby are, in all respects, ratified, confirmed and approved, including without limitation the publication of the notice of public hearing.

Section 5. That the County board Chairperson of the County is hereby authorized to request unified volume cap from the Office of the Governor of the State of Illinois for the Program in the year 2009 the County hereby allocates all unified volume cap received or to be received by the County from the Office of the Governor of the State of Illinois for the Program, if any, to the issuance of the Bonds; and that the County, by the adoption of this authorizing ordinance, hereby represents and certifies that such volume cap has not been allocated to any other bond issue or transferred back to the Office of the Governor or otherwise.

Section 6. That this authorizing ordinance shall be and remain irrevocable until the Bonds and the interest thereon shall have been fully paid, cancelled and discharged.

Section 7. That the provisions of this authorizing ordinance are hereby declared to be separable, and if any section, phrase or provision of this authorizing ordinance shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions of this authorizing ordinance.

Section 8. That all ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this authorizing ordinance are, to the extent of such conflict, hereby superseded; and that this authorizing ordinance shall be in full force and effect upon its adoption and approval as provided by law.

Presented, passed, approved and recorded by the County Board of The County of DeKalb, Illinois, this ____ day of _____, 2008.

Approved:

County Board Chairperson

[SEAL]

Attest:

County Clerk and Ex Officio Clerk of the
County Board

Ayes: _____

Nays: _____

Absent or Not Voting: _____

County Board Member _____ moved, and County Board Member _____ seconded the motion, that said ordinance as presented and read by the County Clerk be adopted.

After a full discussion thereof, the County Board Chairperson directed that the roll be called for a vote upon the motion to adopt said ordinance, as read.

Upon the roll being called, the following members of the County Board voted:

AYE: _____
_____ .

NAY: _____ .

ABSENT OR NOT VOTING: _____ .

Whereupon the County Board Chairperson declared the motion carried and said ordinance adopted, and hereforth did approve and sign the same in open meeting, and did direct the County Clerk to record the same in full in the records of the County Board of The County of DeKalb, Illinois.

* * *

(Other Business)

Upon motion duly made and seconded, the meeting was adjourned.

[SEAL]

County Clerk

STATE OF ILLINOIS)
) SS.
COUNTY OF DEKALB)

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of DeKalb, Illinois, and as such officer I am the Ex Officio Clerk of the County Board of said County and the keeper of the records and files of said County Board and said County.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the legally convened meeting of said County Board of said County held on the ____ day of _____, 2008, insofar as same related to the adoption of an ordinance entitled:

AN ORDINANCE authorizing the public approval of the issuance of certain Collateralized Single Family Mortgage Revenue Bonds and certain documents in connection therewith; and related matters.

a true, correct and complete copy of which said ordinance as adopted at the same meeting appears in the foregoing transcript of the minutes of said meeting.

I do hereby further certify that the deliberations of the County Board of said County on the adoption of said ordinance were taken openly; that the vote on the adoption of said ordinance was taken openly; that said meeting was called and held at a specified time and place convenient to the public; that notice of said meeting was duly given to all the news media requesting such notice; that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the County Board of said County on a day which was not a Saturday, Sunday or legal holiday for Illinois municipalities at least forty-eight (48) hours in advance of the holding of said meeting; that said agenda contained a separate specific item concerning said ordinance; and that said meeting was called and held in strict accordance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the County Code, as amended, and that said County Board has complied with all of the applicable provisions of said Act and said Code and its procedural rules in the adoption of said ordinance.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the seal of said County, this ____ day of _____, 2008.

County Clerk, and Ex Officio Clerk of
the County Board, The County of
DeKalb, Illinois

[SEAL]